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REMARKS

Claims 1-30 are pending in the present application. Claims 1-30 are pending in the present application, of which claims 1, 13, 14, 19, 20, 27, 28 and 30 are independent. Claim 14 is amended to fix a typographical error. Claims 28 and 30 are amended to better describe the aspect. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

I. REJECTION UNDER 35 U.S.C. §103

Claims 1, 3-5, 7-13, 19-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dehner et al., U.S. Patent No. 6,882,677 in view of Park, U.S. Patent No. 6,657,985.

Under 35 U.S.C. 103, prima facie case of obviousness is established when the Examiner provides one or more references that were available to the inventor and that teach a suggestion to combine or modify the reference, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to the one of ordinary skilled in the art. Also, per MPEP 2143.03, to establish a prima facie case of obviousness for a claim invention, all the claim elements must be taught or suggested by the prior art.

Claim 1, among other elements, recites "obtaining an identifier for a first traffic channel defined with the first FH function; *modifying a second FH function based on the first FH function and the identifier for the first traffic channel to obtain a modified second FH function*, wherein the second FH function is modified such that a second traffic channel defined with the modified second FH function and the first traffic channel are orthogonal or have low correlation;" In rejection of this element, examiner relies upon Dehner et al, U.S. Patent

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6,882,677 (Dehner), more specifically citing portions at, col. 4, lines 23-25 and col. 5, lines 25-50 and col. 6, lines 53-60 and col. 11, lines 25-40. The cited portion describes a system according to Dehner having a two NAPs each having a frequency hopping pattern and how they are tuned and hopped in a piconet. However, portions of Dehner reference relied upon by the Examiner do not teach or suggest the claimed element "*modifying a second FH function based on the first FH function and the identifier for the first traffic channel to obtain a modified second FH function.*" Thus, the Dehner reference does not teach or suggest every claim element in a single reference. Since, the examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the applicant respectfully requests withdrawal of the rejection under 35 U.S.C 103 and respectfully request an allowance of claim 1.

As for independent claims 13 and 19, the Examiner applies Dehner reference similar to claim 1. Since, claims 13 and 19 have a similar element as claimed in claim 1 that is not taught or suggested by Dehner, claims 13 and 19 are also believed to be allowable. Thus, the applicant respectfully requests withdrawal of the rejection under 35 U.S.C 103 and respectfully request allowance of claims 13 and 19.

As for independent claims 20 and 26, the Examiner again applies Dehner reference similar to claim 1, 13, and 19. However, the elements of claims 20 and 26 are not identical to claim 1. The Dehner reference does not teach or suggest every claim element. It is difficult to understand how the examiner is using the Dehner reference for 35 U.S.C. 103 rejection. Since, the examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the applicant respectfully requests withdrawal of the rejection and respectfully request an allowance of claim 26.

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As per dependent claims 21 – 25, they depend from claim 20, which is believed to be in condition of allowance. Therefore claims 21-25 are in condition of allowance.

Claims 28 and 30 are amended to better describe an aspect. Claim 28 and 30 are amended to include the recitations of claim 5 and 6, wherein claim 6 was indicated as having allowable subject matter. Thus, claims 28 and 30 are believed to be allowable.

As per dependent claim 29, they depend from claim 28, which is believed to be in condition of allowance. Therefore, claim 29 are in condition of allowance.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dehner in view of Park and in further view of Shin, U.S. Patent No. 6,075,990.

Claims 2 depend from claim 1, which is believed to be in condition of allowance. Therefore claims 2 is in condition of allowance.

Claim 14-18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolev et al., U.S. Patent No. 6,377,801 in view of Park.

Under 35 U.S.C. 103, prima facie case of obviousness is established when the Examiner provides one or more references that were available to the inventor and that teach a suggestion to combine or modify the reference, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to the one of ordinary skilled in the art. Also, per MPEP 2143.03, to establish a prima facie case of obviousness for a claim invention, all the claim elements must be taught or suggested by the prior art.

Claim 14, among other elements, recites “a processor operative to obtain a first FH function and an identifier for a first traffic channel defined with the first FH function, *modify a second FH function based on the first FH function and the identifier for the first traffic channel to obtain a modified second FH function*, and provide an FH sequence for a second traffic

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channel defined with the modified second FH function, wherein the second FH function is modified such that the second traffic channel and the first traffic channel are orthogonal or have low correlation" In rejection of this element, examiner relies upon Kolev et al, U.S. Patent 6,377,801 (Kolev), more specifically citing portions at, Fig 3 and col. 5, line 28 and col. 6, line 6. The cited portion describes a system according to Kolev having a second hop and a second traffic channel. However, portions of Kolev reference relied upon by the Examiner do not teach or suggest the claimed element "*modify a second FH function based on the first FH function and the identifier for the first traffic channel to obtain a modified second FH function.*" Thus, the Kolev reference does not teach or suggest every claim element in a single reference. Since, the examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the applicant respectfully requests withdrawal of the rejection under 35 U.S.C 103 and respectfully request an allowance of claim 14.

As for independent claim 27, the Examiner again applies Kolev reference similar to claim 14. However, the elements of claim 27 are not identical to claim 14. The Kolev reference does not teach or suggest every claim element. It is difficult to understand how the examiner is using the Kolev reference for 35 U.S.C. 103 rejection. Since, the examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the applicant respectfully requests withdrawal of the rejection and respectfully request an allowance of claim 27.

As per dependent claims 15 – 18, they depend from claim 14, which is believed to be in condition of allowance. Therefore claims 15 - 18 are in condition of allowance.

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CONCLUSION


In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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